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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,917	09/06/2000	AKIRA OHMURA	107013	8659
25944	7590	06/18/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER TILLERY, RASHAWN N	
			ART UNIT 2612	PAPER NUMBER 7
DATE MAILED: 06/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/655,917

Applicant(s)

OHMURA, AKIRA

Examiner

Rashawn N Tillery

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 14-18 and 20-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 and 19 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's election with traverse of the Species of Figure 3 in the reply filed on April 21, 2004 is acknowledged.

However, upon reconsideration, the Examiner has elected to include claim 19 for examination in addition to claims 1 and 5-13 submitted by Applicant.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al (US6216228) in view of Bhaskaran et al (US6064764).

Chapman teaches a system for rating video programs for all television broadcasters. In one embodiment of the invention a plurality of watermarking algorithms are stored in a memory. The algorithms generate different patterns of a watermark for each classification code (rating). Each still image of the video program has a watermarked classification code embedded within it. See col. 6, lines 20-57; col. 7, lines 30-54; col. 8, lines 37-65; and col. 10, lines 49-67.

Chapman discloses that the signal source could be a video camera or any video or image recording device. Chapman does not expressly disclose a digital camera.

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Bhaskaran teaches a method for watermarking images of a digital camera.

Bhaskaran reveals that it is well known in the art to perform watermarking techniques in the digital camera and transmits those images to external devices such as a VCR, computer or television receiver. See col. 8, lines 6-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Bhaskaran's teachings in an effort to prevent unauthorized users from altering image data.

***Allowable Subject Matter***

1. Claims 8-13 and 19 are allowed.

Regarding claim 8, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, an embedding circuit, a transmitter and a controller, wherein

the controller inhibits the transmitter from transmitting the digital image data on which the watermark is failed to be embedded.

Regarding claim 10, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, an embedding circuit and a controller, wherein

the controller controls the embedding circuit to surely embed the watermark on the digital image data on which the watermark is failed to be embedded.

Regarding claim 12, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, an embedding circuit and a controller, wherein

the controller gives a warning if the watermark is failed to be embedded.

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Regarding claim 19, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, an embedding circuit, a setting circuit and a controller, wherein

the controller forcibly controls the embedding circuit to embed the watermark if the setting by the setting circuit is failed.

2. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein

the transmitter transmits the digital data to a place remote from the camera and a controller for inhibiting the transmitter from transmitting the digital image data to a place where the watermark caused by the selected program is not available.

Regarding claim 6, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein

the transmitter transmits the digital data to a place remote from the camera and a controller for replacing the selection of the program if the digital image data is to be transmitted to a place where the watermark caused by the selected program is not available.

Regarding claim 7, the prior art does not teach or fairly suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein

the transmitter transmits the digital data to a place remote from the camera and a controller for giving a warning if the digital image data is to be transmitted to a place where the watermark caused by the selected program is not available.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Squilla et al teach a photographic system with selected area authentication; Friedman teaches a digital camera for authenticating images; Houser et al teach an electronic document verification system.

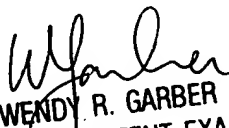
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
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SUPERVISORY PATENT EXAMINER  
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